

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27895 of 2015

Arising Out of PS.Case No. -36 Year- 2015 Thana -MAHESHKHUNT District- KHAGARIA

1. Bajrangi Kumar Son of Bahro Sah resident of village - Nijay, Police Station - Birpur, District - Lakhisarai

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Suresh Prasad

For the Opposite Party/s : Mr. Asha Devi(App)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 15-10-2015 Heard learned counsel for the petitioner and learned A.P.P. representing the State.

Petitioner seeks bail in connection with Maheshkhut P.S. Case No. 36 of 2015 registered for the offences punishable under Sections 399, 412/34 of the Indian Penal Code and Sections 25 (1-b)A, 26 and 35 of the Arms Act.

Allegedly on receipt of the telephonic information that some miscreants were fleeing away after committing dacoity, the informant and other police personnel started checking vehicles, in that course, one motorcycle coming towards Choutham suddenly stopped and two persons started fleeing away but were apprehended and from possession of the petitioner one country made pistol alongwith one live cartridges, one motorcycle bearing

Registration No. BR34-J/4201, two mobile sets, three pair of ear-rings and gas cutter machine kept in dickey of the motorcycle, was recovered.

Submission is that the petitioner is suffering in custody since 19.03.2015. Chargesheet has already been submitted. There is no report regarding theft of ear-rings. Co-accused Arvind Kumar, from whose possession ornaments and mobile sets have been recovered, has already been granted bail vide order dated 29.07.2015 passed in Criminal Misc. No. 26752 of 2015 and the petitioner by remaining in custody for more than 6 months has been sufficiently penalized, to which learned A.P.P. opposes by submitting that the victims have identified ornaments and recovered motorcycle which was looted property of the renter.

In the facts and circumstances stated above, considering that chargesheet has already been submitted and as such, the petitioner, above named, is directed to be released on bail **after framing of charge** on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Learned Chief Judicial Magistrate, Khagaria arising out of Maheshkhut P.S. Case No. 36 of 2015 subject to the conditions that one of the bailors must be near relative and another having sufficient immovable property within

the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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